

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

JOHN ROBERT DEMOS,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-19-16-D
)	
U.S. SOLICITOR GENERAL, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

This matter is before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Judge Purcell recommends the denial of Plaintiff's Application for Leave to Proceed *In Forma Pauperis* and the dismissal of this action if Plaintiff fails to pay the full filing fee. Judge Purcell finds that Plaintiff is subject to filing restrictions under 28 U.S.C. § 1915(g) and that he has failed to allege any facts to avoid the operation of that provision.

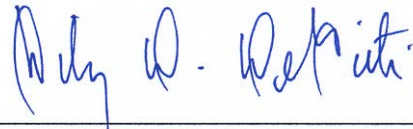
The case file shows no timely objection to the Report nor request for an extension of time, even though Plaintiff was expressly informed of his right to object, the procedure for doing so, and the consequences of failing to object.¹ Therefore, the Court finds that Plaintiff has waived further review of all issues addressed in the Report. *See Moore v.*

¹ The Court notes that recent mailings to Plaintiff at his address of record have been returned as undeliverable. However, it is Plaintiff's responsibility to provide written notice of a change of address. *See* LCvR5.4(a) ("Papers sent by the court will be deemed delivered if sent to the last known address given to the court."); *see also Theede v. United States Dep't of Labor*, 172 F.3d 1262, 1267-68 (10th Cir. 1999) (*pro se* plaintiff who failed to provide a change of address or address correction waived right to review by failing to make a timely objection).

United States, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 E. 30th St.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Further, the Court fully concurs in Judge Purcell's finding that Plaintiff's action is subject to the three-strikes provision of § 1915(g). *See also Demos v. United States*, Case No. CIV-12-820-M, Order (W.D. Okla. Sept. 11, 2012) (adopting R&R and denying Plaintiff leave to proceed *in forma pauperis* based on § 1915(g)).

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 9] is ADOPTED in its entirety. Plaintiff's Application for Leave to Proceed *In Forma Pauperis* [Doc. No. 6] is DENIED. Plaintiff shall pay the full filing fee for this action in the amount of \$400.00 within 21 days from the date of this Order. Failure to make full payment or show cause for nonpayment by that date will result in the dismissal of this action without prejudice.

IT IS SO ORDERED this 25th day of February, 2019.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE